

MM Docket No. 93-106

# Amendment of Part 74 of the Commission's Rules Governing Use of the Frequencies in the Instructional Television Fixed Service

**RECEIVED**

JUN 14 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

## COMMENTS

Besozzi, Gavin & Craven ("BG&C"), pursuant to Sections 1.415 and 1.419 of the Commission's Rules, hereby submits its Comments on the Notice of Proposed Rule Making, 8 FCC Rcd \_\_\_\_\_, (FCC 93-183, released April 26, 1993) (the "Notice") and states as follows:

## A. INTRODUCTION

1. BG&C is a Washington, D.C. law firm engaged in the practice of communications law. It represents clients involved in the wireless cable industry. BG&C and its wireless cable clients support the proposals contained in the Commission's Notice.

## B. DISCUSSION

2. In the Notice, the Commission has proposed amending the Instructional Television Fixed Service ("ITFS") rules to allow ITFS licensees to "channel load", placing all of their educational/instructional programming on a single channel. As presently provided for in the rules, ITFS licensees are required to transmit formal educational programming on each of its authorized channels. 47 C.F.R. § 74.931(a). If the licensee wishes to lease its excess capacity to a wireless cable operator, the rules provide that the ITFS licensee must transmit a minimum of 12 hours of educational/instructional programming over each of its

No. of Copies rec'd  
List A B C D E

Q4

channels during the first two years of operation and 20 over each channel in subsequent years. 47 C.F.R. § 74.931(e).

3. The current rules, though well intended, frustrate the goals of "wireless cable" operators who seek to compete more effectively with traditional wire cable and educators. The wireless cable operator's ability to lease excess channel space is impaired by the awkwardness of mixing educational and entertainment programming on every channel and the expense of providing the technology for "channel mapping", which effectively separates entertainment and educational programming. Therefore, adoption of the proposed rule changes is in the public interest.

1. THE PROPOSED RULES WILL ACCOMPLISH THAT WHICH "CHANNEL MAPPING" PRESENTLY ACCOMPLISHES AT A TREMENDOUS SAVINGS.

4. Wireless cable operators and educators both agree that mixing educational/instructional programming for viewing in classrooms with entertainment programming leads to viewer confusion and frustration. Both wireless cable operators and educators agreed that a system needed to be developed that would allow ITFS licensees leasing excess channel capacity to be able to segregate classroom and commercial programming. "Channel mapping" technology provided the answer.

5. "Channel mapping" allows ITFS and entertainment programming to be transmitted over all of the ITFS channels at staggered intervals, but received at the subscriber TV set on a single channel as either ITFS or entertainment programming through the use of a device on each television receiving set. For example,

a subscriber that tunes in a movie on his home TV channel 3 will see the entire movie on channel 3, but it will be broadcast, in intervals, over all of the ITFS channels available (i.e. A1-A4). The ITFS signals are encoded and the device on the TV set routes all of the signals encoded "movie" to channel 3. Meanwhile, ITFS programming is being broadcast in intervals over those same channels except the signals encoded "ITFS" are routed by the set-top device to another TV channel.

6. The Commission, in its Order on Reconsideration, 6 FCC Rcd 6764, 69 Rad. Reg. (P&F) 2d 1477, 1490 (1991) adopted Section 74.931(e)(4), which allows ITFS licensees to use "channel mapping" technology to satisfy their quantitative ITFS programming requirements. Thus, for the viewers, ITFS educational classroom programming was separated from wireless cable operator entertainment programming. The problem with channel mapping technology is its cost. The cost of a set-top device for special "mapping"

already recognized the value of segregating ITFS and non-ITFS programming onto separate channels, and has endorsed its use by adopting rules permitting channel mapping. The proposal to permit "channel loading" will provide the benefits to educators and wireless cable operators at a cost substantially less than the cost of channel mapping and will further the important goal of having ITFS licensees continue with their principal mission of providing educational and instructional programming.

2. THE COST SAVINGS WILL SPUR MORE ENTRANTS  
INTO THE WIRELESS CABLE ARENA ALLOWING MORE  
EFFECTIVE COMPETITION TO CABLE AND BETTER  
QUALITY ITFS PROGRAMMING .

8. The elimination of the need for costly channel mapping equipment at both the transmitting and receiving points will serve important public interest goals. The cost savings will encourage more participation of operators, programmers and equipment manufacturers in the "wireless cable" business. Wireless cable operators will be able to provide dedicated channels of entertainment programming at a much lower cost per subscriber by means of "channel loading" rather than "channel mapping". In new leases that will be entered into between wireless cable operators and ITFS licensees, the cost savings can be used to provide ITFS licensees with better equipment and greater programming budgets so that the caliber of ITFS programming will also be improved. Also, the reduced per subscriber cost will enable wireless cable operators to compete more effectively with traditional cable service providers.

**C. CONCLUSION**

9. The adoption of the Commission's proposed rules to allow "channel loading" of ITFS programming will reduce substantially construction and operation costs for ITFS stations and stimulate growth of the "wireless cable" industry. The reduced cost to provide service will bring new entrants into the business of providing wireless cable service, thus making wireless cable a more effective competitor to traditional cable, as was the original intent of the Commission.

**WHEREFORE**, BG&C respectfully request that the Commission adopt its proposed rules to permit "channel loading" of ITFS programming.

Respectfully submitted,

**BESOZZI, GAVIN & CRAVEN**

By: 

J. Jeffrey Craven

**BESOZZI, GAVIN & CRAVEN**

1901 L Street, N.W.

Suite 200

Washington, D.C. 20036

(202) 293-7405

Date: June 14, 1993  
0317/itfscom.doc